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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,958	12/31/2003	Hiroaki Kuwano	053969-0159	6208

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FOLEY AND LARDNER LLP
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EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/747,958	Applicant(s) KUWANO ET AL.	
	Examiner Perez M. Angelica	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/03/2006 and 12/31/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 8-9, 15-16, 22-23 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyuboglu et al. (US Patent No.: 6,781,999 B2).

Regarding claims 1, 8, 15, 22 and 29, Eyuboglu teaches of a mobile communication system (figure 1), radio network controller (column 1, lines 57-59) , radio terminal (figure 1, items 16, 18), method (column 1, lines 44-57) and program (column 4, lines 19-23, where the software requires a program to run), broadcasting service data from a radio network controller to a radio terminal in response to a service joining request from the radio terminal (columns 1 and 2, lines 66-67 and 1-9, 25-28, where the data is delivered, broadcasted, after the access terminal joins the group), the service

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data corresponding to the service joining request (where a broad interpretation of the claim, the examiner is not clear as to what the applicant intends to convey, thus, the examiner believes that data is delivered after a service joining request), where the radio network controller comprises means for providing a delivering notice of the service data to the radio terminal by a paging message (columns 2 and 5, lines 52-57 and 15-17, respectively).

Regarding claims 2, 9, 16 and 23, Eyuboglu teaches all the limitations of claims 1, 8, 15 and 22, respectively. Eyuboglu further teaches where the means for providing the service data delivering notice notifies the radio terminal by the paging message that notification information for the radio terminal has been changed, and provides the service data delivering notice to the radio terminal in the notification information (column 2, lines 25-27, where the change could mean that data is being delivered).

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 10-14, 17-21 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu in view of Sarkkinen et al. (Sarkkinen, US Patent No.: 6,839,565 B2).

Regarding claims 3, 10, 17 and 24, Eyuboglu teaches all the limitations of claims 1, 8, 15 and 22, respectively.

Eyuboglu does not specifically teach where the means for providing the service data delivering notice notifies the radio terminal of a delivering schedule of the service data by the paging message.

In related art concerning a method and system for multicast service announcement in a cell, Sarkkinen teaches where the means for providing the service data delivering notice notifies the radio terminal of a delivering schedule of the service data by the paging message (column 2, lines 61-67, where the next service announcement includes the schedule).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyuboglu's broadcasting method with Sarkkinen's delivering schedule in order to provide scheduling announcements at certain times so that it is possible to provide scheduling in a continuous and feasible manner, as taught by Sarkkinen.

Regarding claims 4, 11, 18 and 25, Eyuboglu teaches all the limitations of claims 1, 8, 15 and 22, respectively.

Eyuboglu does not specifically teach where the means for providing the service data delivering notice notifies the radio terminal by the paging message that the notification information for the radio terminal has been changed, and notifies the radio terminal of the delivering schedule of the service data in the notification information.

Sarkkinen teaches where the means for providing the service data delivering notice notifies the radio terminal by the paging message that the notification information for the radio terminal has been changed, and notifies the radio terminal of the delivering schedule of the service data in the notification information (columns 2 and 3, lines 61-67 and 20-29, respectively).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyuboglu's broadcasting method with Sarkkinen's delivering schedule in order to provide scheduling announcements at certain times so that it is possible to provide scheduling in a non-continuous manner, as taught by Sarkkinen.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyuboglu's broadcasting method with Sarkkinen's delivering schedule in order to provide scheduling announcements at certain times so that it is possible to provide scheduling in a continuous and feasible manner, as taught by Sarkkinen.

Regarding claims 5, 12, 19 and 26, Eyuboglu teaches all the limitations of claims 1, 8, 15 and 22, respectively.

Eyuboglu does not specifically teach where the radio terminal comprises means for acquiring the service data in a PICH (Paging Indication Channel) receivable state in accordance with information provided by the radio network controller.

Sarkkinen teaches where the radio terminal comprises means for acquiring the service data in a PICH (Paging Indication Channel) receivable state in accordance with information provided by the radio network controller (column 2, lines 54-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyuboglu's broadcasting method with Sarkkinen's PICH channel in order to provide information in a one way fashion as it is done with PICH channels.

Regarding claims 6, 13, 20 and 27, Eyuboglu teaches all the limitations of claims 1, 8, 15 and 22, respectively.

Eyuboglu does not specifically teach where the service data is distributed in at least one of a continuous manner and a discontinuous manner, from the radio network controller to the radio terminal.

Sarkkinen teaches where the service data is distributed in at least one of a continuous manner and a discontinuous manner, from the radio network controller to the radio terminal (column 2, lines 54-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyuboglu's broadcasting method with Sarkkinen's continuous distribution in order to provide announcements/information as it is done in PICH channels.

Regarding claims 7, 14, 21 and 28, Eyuboglu teaches all the limitations of claims 1, 8, 15 and 22, respectively.

Eyuboglu does not specifically teach where the service data includes MBMS (Multimedia Broadcast Multicast Service) data.

Sarkkinen teaches where the service data includes MBMS (Multimedia Broadcast Multicast Service) data (column 1, lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyuboglu's broadcasting method with Sarkkinen's MBMS services in order to provide multimedia broadcast/multimedia services to users according to 3GPP standards, as taught by Sarkkinen.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 1:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

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Angelica Perez
Examiner



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER

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April 19, 2007